

Hawaii State Association of Counties

Counties of Kauai, Maui and Hawaii, City & County of Honolulu



MINUTES
HSAC EXECUTIVE COMMITTEE MEETING
October 12, 2012
Honolulu Hale, Council Committee Room
Honolulu, Hawaii

I. CALL TO ORDER

The HSAC Executive Committee was called to order by President Mel Rapozo at 10:19 a.m. The following members comprised a quorum:

County of Kauai:	President Mel Rapozo
County of Hawaii:	Vice President K. Angel Pilago
City and County of Honolulu:	Secretary Stanley Chang
County of Maui:	Treasurer Joseph Pontanilla
Others Present:	Honolulu staff Kimberly Ribellia Honolulu staff Steve Uyeno Honolulu staff Denisse Gee Kauai staff Ashley Bunda Maui staff Kirsten Hamman

II. APPROVAL OF AGENDA

The Committee approved the agenda.

III. MINUTES

The Committee approved the minutes of the September 11, 2012, Executive Committee meeting.

IV. REPORTS

A. Treasurer's Reports.



The following item was approved by the Executive Committee:

1. Treasurer's Report for September 2012, as submitted by the HSAC Treasurer.

B. County Reports

1. Maui County Report. Treasurer Pontanilla reported that the Council continues its work on the Maui Island Plan which is scheduled to be completed by the end of CY 2012. He also reported that the Council is considering a resolution urging the state Legislature to repeal Act 55 (2011) which created the Public Land Development Corporation (PLDC). He informed the Committee that the 2013 Maui County state legislative package will most likely include a Bill for an Act repealing the PLDC.
2. Hawaii County Report. Vice President Pilago reported that the Council passed Resolution 303-12 which requests the state Legislature to repeal the PLDC. He further reported that the Council endorsed the League of Women Voters' legislative proposal requesting the state Elections Office to intervene in the Hawaii County general election. He apprised the Committee that the Hawaii County Clerk will administer only voter registration and absentee ballots in the upcoming general election; the state Office of Elections will be coordinating all other general election activities in Hawaii County. He reported that the state Department of Land and Natural Resources will not renew any commercial kayak permits for a full calendar year in Hawaii County in response to the recent kayaking death of a teenage tourist. He concluded by reporting that the Council has adopted the NACo Dental Plan.
3. City and County of Honolulu Report. Secretary Chang reported that the Parks and Cultural Affairs Committee deferred two controversial bills, namely 1) Bill 67 which sought to clarify ordinances relating to commercial activities allowed in city parks in the aftermath of the passage of Bill 11 (2012); and 2) Bill 57 which would have required the City Animal Control Contractor to notify the public-at-large of any animal that is scheduled to be humanely destroyed. He further reported that the Zoning & Planning Committee deferred Bill 65 which is to adopt the Revised Ewa Development Plan for the City and County of Honolulu. He apprised the Committee that the Council adopted Resolutions 12-228, 229, 230 and 262, relating to the Honolulu Affordable Housing Preservation Initiative. He concluded by reporting that Honolulu Councilmember Cachola formally resigned from the

Council effective October 31, 2012, in anticipation of taking his district's seat at the state House of Representatives.

4. Kauai County Report. President Rapozo reported that the Circuit Court will hear Kauai County Police Commission's challenge to the Mayor's authority to unilaterally discipline a Commission appointee on October 30, 2012.

C. NACo Report. Treasurer Pontanilla stated that there was no NACo report.

D. WIR Report. Vice President Pilago stated that there was no WIR report.

V. UNFINISHED BUSINESS

There was no unfinished business.

VI. NEW BUSINESS

- A. Communication from Hawaii County Deputy County Clerk Steve "Kawena" Lopez, transmitting for the Committee's information a summary of the 2012 HSAC annual conference.

Vice President Pilago summarized Deputy County Clerk Lopez's final report.

Treasurer Pontanilla and President Rapozo lauded Hawaii County for hosting a successful HSAC annual conference.

This item was received and filed.

- B. Communication from Kauai Council Chair Jay Furfaro requesting the Committee to consider Kauai Council Vice Chair JoAnn A. Yukimura to serve as the HSAC representative on the Board of Advisors for the Center for Alternative Dispute Resolution (Center).

In response to a query, Secretary Chang informed the Committee that the Center's Board of Advisors meets approximately once a quarter.

President Rapozo and Vice President Pilago emphasized the importance for the Committee to endorse the HSAC representative to the Center's Board of Advisors. President Rapozo further stated that because the Center is based in Honolulu, the two HSAC representatives to the Center's Board of Advisors should also be from the City and County of Honolulu for efficiency purposes. Vice President Pilago agreed that the HSAC representative to the Center's Board should be based in Honolulu.

This item was deferred.

- C. Communication from City and County of Honolulu Council Chair Ernest Martin requesting the Committee to consider Honolulu Councilmember Breene Harimoto to serve as the HSAC representative to the Board of Advisors for the Center for Alternative Dispute Resolution (Center) and Honolulu Council Vice Chair Ikaika Anderson to serve as the HSAC representative to the Hawaii Sister-State Committee.

The Committee approved both Honolulu Council Vice Chair Anderson to serve as the HSAC representative to the Hawaii Sister-State Committee and Honolulu Councilmember Harimoto to replace Honolulu Councilmember Ann Kobayashi as one of two HSAC representatives to the Board of Advisors for the Center. Additionally, the Committee approved Honolulu Councilmember Chang to continue to serve as the other HSAC representative to the Center's Board of Advisors.

- D. Communication from Kauai County Deputy County Clerk Jade K. Fountain-Tanigawa transmitting for the Committee's information Resolution 2012-52, Draft 1, urging the Hawaii state Legislature to repeal Chapter 171C, Hawaii Revised Statutes (HRS), relating to the Public Land Development Corporation (PLDC) which was approved by the Kauai County Council on September 26, 2012.

Treasurer Pontanilla informed the Committee that two Maui state legislators are seeking to amend Chapter 171C, HRS, which created the PLDC. However, he stated that his understanding is that any amendments offered by Maui state legislators would not address the PLDC's ability to circumvent county zoning or permitting ordinances.

Vice President Pilago opined that having multiple legislative measures originating from HSAC and the individual counties to repeal the PLDC would alert the Governor and the state Legislature to the significant opposition throughout the state to the PLDC. He further apprised the Committee that Hawaii County intends to lobby the state Legislature to repeal Chapter 171C, HRS.

President Rapozo stated that his largest concern with the PLDC is its ability to undermine county home rule. For example, Kauai County has an ordinance which limits building heights to three floors. Chapter 171C, HRS, enables any PLDC project to circumvent this height limit ordinance. He concluded by stating that there is no county representation on the PLDC and opined that the lack of county representation is an insult to all county governments. In response to a query, President Rapozo stated that he has personally communicated all the aforementioned information to Governor Abercrombie directly.

Vice President Pilago stated that Hawaii County Council spoke directly with Lloyd Haraguchi, PLDC Executive Director, expressed their dismay that Chapter 171C, HRS, enables the PLDC to supercede county land use approval ordinances but still leaves infrastructure costs as a county responsibility.

Treasurer Pontanilla apprised the Committee that Governor Abercrombie spoke of his strong support of the PLDC at the 2012 Hawaii Congress of Planning Officials Conference held on September 12 – 14 at the Ko Olina Resort. Governor Abercrombie stated that the PLDC would generate needed state revenue independent of raising or levying new taxes.

President Rapozo emphasized that the four counties must stand united in their resolve to repeal the PLDC because of its significant threat to county home rule.

In response to a query, Secretary Chang stated that Honolulu Council is aware of the substantial media and public attention surrounding the PLDC. He reminded the Committee that the original sponsor of the enabling PLDC legislation is state Senator Dela Cruz, former Honolulu Council Chair.

This item was received and filed.

- E. Communication from HSAC President Mel Rapozo transmitting for the Committee's approval a proposal for a Bill for an Act repealing the PLDC be included in the 2013 HSAC legislative package.

Treasurer Pontanilla informed the Committee that Maui County Council is expected to pass an identical measure to repeal the PLDC.

President Rapozo apprised the Committee about several provisions of Chapter 171C, HRS, which troubles him greatly, including the state tax exemption for completed PLDC projects and the absence of any county profit sharing.

Vice President Pilago expressed his individual and Hawaii County Council support for this item.

This item was approved.

- F. Communication from Maui Councilmember G. Riki Hokama requesting the Committee solicit comments from their respective Councilmembers a proposed state Bill for an Act relating to intoxicating liquor which is slated to be included in the 2013 Maui County legislative package.

This item was received and filed.

- G. Discussion and approval of a Maui County proposal for a Bill for an Act relating to food labeling be included in the 2013 HSAC legislative package.

President Rapozo clarified that the Maui County proposal requires food stuffs made from genetically modified organisms be labeled when sold in the state of Hawaii.

This item was approved.

- H. Discussion regarding the creation of a committee composed of county and state legislators to discuss and review joint county and state jurisdictional matters.

Treasurer Pontanilla stated that the PLDC is a prime example of why the creation of a joint county-state committee composed of both county and state legislators is necessary to ensure that the state collaborates and cooperates with the counties before legislation is enacted that detrimentally impacts the counties.

In response to a query, Vice President Pilago stated that shortly after Chapter 171C, HRS, was enacted, Hawaii County Council invited state Senators Dela Cruz, Kahele and Solomon to make a presentation regarding the PLDC to the Council. However, Vice President Pilago opined that the state Senators' presentation to Hawaii County Council was not candid.

Vice President Pilago expressed his strong support of this item.

This item was deferred to the Committee's December meeting.

VII. ANNOUNCEMENTS

- A. Schedule next meeting.

The next Executive Committee meeting was scheduled for November 19, 2012 at Honolulu Hale.

- B. Other Announcements.

There were no announcements.

VIII. ADJOURNMENT

The meeting was adjourned at 11:21 a.m.

Very truly yours,

A handwritten signature in black ink, appearing to be 'StC' followed by a long horizontal stroke.

STANLEY CHANG
Secretary
Hawaii State Association of Counties